

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff,

v.

THE WAMPANOAG TRIBE OF GAY
HEAD (AQUINNAH), THE WAMPANOAG
TRIBAL COUNCIL OF GAY HEAD, INC.,
and THE AQUINNAH WAMPANOAG
GAMING CORPORATION,

Defendants.

Case No: 1:13-cv-13286-FDS

(formerly Massachusetts Supreme
Judicial Court for Suffolk County
Civil Action No. SJ-2013-0479)

COMMONWEALTH OF MASSACHUSETTS' MOTION TO REMAND

The plaintiff Commonwealth of Massachusetts moves to remand this action to the Massachusetts Supreme Judicial Court for Suffolk County, as this Court lacks subject matter jurisdiction pursuant to 28 U.S.C. § 1441.¹ Grounds for this motion are as set forth in the Commonwealth of Massachusetts' Memorandum of Reasons in Support of Motion to Remand, filed herewith.

REQUEST FOR ORAL ARGUMENT

The Commonwealth believes that oral argument will assist the Court in its consideration of the issues presented by the Commonwealth's motion. The Commonwealth therefore requests oral argument pursuant to Local Rule 7.1(d).

¹ By filing this motion, the Commonwealth does not waive its sovereign immunity defense from suit in this Court. The Commonwealth reserves and does not waive any and all defenses available to it, including but not limited to sovereign immunity.

Respectfully submitted,

THE COMMONWEALTH OF MASSACHUSETTS

By and through its attorney,

MARTHA COAKLEY
ATTORNEY GENERAL OF MASSACHUSETTS

/s/ Juliana deHaan Rice

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Dated: January 29, 2014

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I hereby certify that, on January 29, 2014, I, Juliana deHaan Rice, spoke by telephone with Bruce Singal, counsel to the defendants in the above-captioned action, in a good-faith effort to resolve or narrow the issues presented in this motion and we were unable to do so.

/s/ Juliana deHaan Rice

CERTIFICATE OF SERVICE

I, Carrie Benedon, hereby certify that, this 29th day of January, 2014, I filed the foregoing document through the Electronic Case Filing (ECF) system and thus copies of the foregoing will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be sent, via first-class mail, to those indicated as non-registered participants.

/s/ Carrie Benedon